

---

STATUTORY INSTRUMENTS

---

**2022 No. 934**

The A428 Black Cat to Caxton Gibbet  
Development Consent Order 2022

PART 5

POWERS OF ACQUISITION AND POSSESSION OF LAND

**Statutory undertakers**

**39.**—(1) Subject to the provisions of [<sup>F1</sup>article 27(3)] (compulsory acquisition of rights and imposition of restrictive covenants), Schedule 9 (protective provisions) and paragraph (2), the undertaker may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, any Order land belonging to statutory undertakers; and
- (b) extinguish the rights of, or remove or reposition the apparatus belonging to, statutory undertakers over or within the Order land.

(2) Paragraph (1)(b) has no effect in relation to apparatus in respect of which the following provisions apply—

- (a) Part 3 (street works in England and Wales) of the 1991 Act; and
- (b) article 40 (apparatus and rights of statutory undertakers in stopped up streets).

---

**Textual Amendments**

- F1** Words in [art. 39\(1\)](#) substituted (17.1.2023) by [The A428 Black Cat to Caxton Gibbet \(Correction\) Order 2023 \(S.I. 2023/40\)](#), [art. 1](#), [Sch.](#)
- 

**Commencement Information**

- I1** Art. 39 in force at 8.9.2022, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The A428 Black Cat to Caxton Gibbet Development Consent Order 2022, Section 39.